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BROMBERG SUNSTEIN

APR 24 2006


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BROMBERG & SUNSTEIN LLP

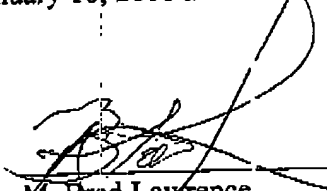
# FACSIMILE

TO	Elia Colbert	FAX	(571) 273-8300
FROM	M. Brad Lawrence 	PAGES	(28) (INCLUDING THIS SHEET)
PHONE	(571) 272-6741	DATE	4/24/2006
RE	Response To Notice of Incomplete Reply Application No.: 09/668,255		
OUR FILE	2955/103	YOUR FILE	

## COMMENTS

Dear Examiner Colbert,

Attached, for your convenience, is a copy of the *Response To Notice of Incomplete Reply* filed today, which includes a complete copy of the amendment filed January 18, 2006 in the above-identified application.

  
M. Brad Lawrence  
Reg. No. 47,210  
Attorney for Applicants

PLEASE NOTIFY BROMBERG & SUNSTEIN LLP AT (617) 443-9292, IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

02955/00103 489149.1

COPY

Practitioner's Docket No. 2955/103

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Evelyn et al.

Application No.: 09/668,255

Filed: 09/21/2000

For: System and Method for Pricing and Allocation  
of Commodities or Securities

Group No.: 3624

Examiner: Colbert, Ella

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PATENT

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## NOTICE OF INCOMPLETE REPLY TRANSMITTAL

- Transmitted herewith is a Response to the March 23, 2006, Notice of Incomplete Reply, a complete copy of the Amendment filed in the U.S. Patent & Trademark Office on January 18, 2006, and a copy of the return postcard dated January 20, 2006, confirming receipt of that Amendment.

## STATUS

- Applicant is a small entity.

## EXTENSION OF TERM

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

[X] with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

M. Brad Lawrence

(type or print name of person certifying)

Date: April 24, 2006

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment Transmittal--page 1 of 2

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APR 24 2006

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.156 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE		
TOTAL	48	- 74	= 0	x \$ 25.00	= \$	0.00	
INDEP.	3	- 3	= 0	x \$ 100.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+	\$ 0.00	= \$	0.00	
				TOTAL			
				ADDITIONAL FEE	\$	0.00	

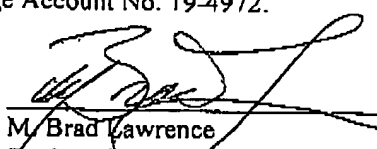
No additional fee for claims is required.

**FEE DEFICIENCY**

5. If an extension and/or fee is required, charge Account No. 19-4972.

If a fee for claims is required, charge Account No. 19-4972.

Date: April 24, 2006

  
M. Brad Lawrence  
Registration No. 47,210  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110-1618  
U.S.  
617-443-9292  
Customer No. 02101

02955/00103 489198.1

Amendment Transmittal—page 2 of 2

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**COPY OF AMENDMENT FILED JANUARY 18, 2006**  
**IN U.S. PATENT APPLICATION, SERIAL NO. 09/668,255**

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Practitioner's Docket No. 2955/103

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Evelyn et al.

Application No.: 09/668,255

Group No.: 3624

Filed: 09/21/2000

Examiner: Colbert, Ella

For: System and Method for Pricing and Allocation  
of Commodities or SecuritiesMail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

- Transmitted herewith is an amendment for this application.

## STATUS

- Applicant is a small entity.

## EXTENSION OF TERM

- The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: January 18, 2006

M. Brad Lawrence

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing, or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment Transmittal--page 1 of 2

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APR 24 2006

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE		ADDIT. FEE	
TOTAL	48	- 74	= 0	x \$	25.00	= \$	0.00
INDEP.	3	- 3	= 0	x \$	100.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$	0.00	= \$ 0.00
				TOTAL			
				ADDIT. FEE		\$	0.00

**No additional fee for claims is required.**

**FEE DEFICIENCY**

5. If any extension and/or fee is required, charge Account No. 19-4972.  
If any fee for claims is required, charge Account No. 19-4972.

Date: January 18, 2006

M. Brad Lawrence  
Registration No. 47,210  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110-1618  
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617-443-9292  
Customer No. 02101

02955/00103 460710.1

Amendment Transmittal—page 2 of 2

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The Commissioner for Patents has received from Bromberg &amp; Sunstein LLP the following re:

Inventor: Ewelyn, Michael H. Docket No.: 2955/103  
 Title: Auction System & Method for Pricing and Allocation during Capital Formation Art Unit: 3624  
 Serial/Patent No.: 09/668,255 Examiner: Calbert, Ella  
 Filing/Issue Date: 09/21/2000 Date: January 18, 2006  
 Express Mail No.:

Documents

- ☐ New Application Transmittal  
☐ Provisional Application Cover Sheet  
☐ Description- pages  
☐ Claims- pages  
☐ Abstract  
☐ Application Data Sheet  
☐ Request and Certification under 35 USC 122(b)(2)(BX)  
☐ Sheets of drawings  
☐ formal ☐ informal  
☐ Declaration & Power of Attorney executed ☐ unexecuted
- ☒ Amendment Transmittal - 2 pages  
☒ Amendment (Preliminary)  
☐ Amendment - 17 pages  
☐ IDS & References  
☐ Petition for month extension  
☐ Issue Fee Transmittal & Form PTO-L-85b  
☐ Payment of Maintenance Fee  
☐ Assignment/Reassignment Form Cover Sheet  
☐ Check in the amount of \$  
☐ Completion of Filing Requirements  
☐ Transmittal of Formal Drawings

**Please Date Stamp and Return**

The Commissioner for Patents has received from Bromberg &amp; Sunstein LLP the following re:

Inventor:	Evelyn, Michael H.	Docket No.:	2955/103
Title:	Auction System & Method for Pricing and Allocation during Capital Formation	Art Unit:	3624
		Examiner:	Colbert, Ella
Serial/Parent No.:	09/668,255	Date:	January 18, 2006
Filing/Issue Date:	09/21/2000	Express Mail No.:	

**Documents:**

<input type="checkbox"/> New Application Transmittal	<input checked="" type="checkbox"/> Amendment Transmittal - 2 pages
<input type="checkbox"/> Provisional Application Cover Sheet	<input checked="" type="checkbox"/> Amendment (Preliminary)
<input type="checkbox"/> Description- pages	<input checked="" type="checkbox"/> Amendment - 17 pages
<input type="checkbox"/> Claims- pages	<input checked="" type="checkbox"/> IDS & References
<input type="checkbox"/> Abstract	<input checked="" type="checkbox"/> Petition for month extension
<input type="checkbox"/> Application Data Sheet	<input checked="" type="checkbox"/> Issue Fee Transmittal & Form PTOL-85b
<input type="checkbox"/> Request and Certification under 35 USC 111(b)(1)	<input checked="" type="checkbox"/> Payment of Maintenance Fee
<input type="checkbox"/> sheets of drawings	<input checked="" type="checkbox"/> Assignment/Recordation Form Cover Sheet
<input type="checkbox"/> <input type="checkbox"/> formal <input type="checkbox"/> informal	<input checked="" type="checkbox"/> Check in the amount of \$
<input type="checkbox"/> Declaration & Power of Attorney	<input checked="" type="checkbox"/> Completion of Filing Requirements
<input type="checkbox"/> <input type="checkbox"/> executed <input type="checkbox"/> unexecuted	<input checked="" type="checkbox"/> Transmittal of Formal Drawings

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MBL:mtb

Please Date Stamp and Return

The Commissioner for Patents has received from Bromberg &amp; Sunstein LLP the following re:

Inventor: Evelyn, Michael H.  
 Title: System and Method for Pricing  
 and Allocation of Commodities  
 or Securities  
 Serial/Parent No.: 09/668,255  
 Filing/Issue Date: September 21, 2000

Docket No.: 2955/103  
 Art Unit: 1624  
 Examiner: Colbert, Ella  
 Date: April 24, 2006  
 Express Mail No.:

Documents:

- ☐ New Application Transmittal  
☐ Provisional Application Cover Sheet  
☐ Description- pages  
☐ Claims- pages  
☐ Abstract  
☐ Application Data Sheet  
☐ Request and Certification under 35 USC 122(b)(2)(B)(i)  
☐ sheets of drawings  
☐ ☐ formal ☐ informal  
☐ Declaration & Power of Attorney  
☐ ☐ executed ☐ unexecuted  
☒ Copy of Amendment Return postcard dated 1/20/06

- ☐ Amendment Transmittal  
☐ Amendment (Preliminary)  
☒ Response to N/Incomplete Reply - 2 pages  
☐ IDS & References  
☐ Petition for month extension  
☐ Issue Fee Transmittal & Form PTOL-85b  
☐ Payment of Maintenance Fee  
☐ Assignment/Recordation Form Cover Sheet  
☐ Check in the amount of \$  
☐ Completion of Filing Requirements  
☐ Transmittal of Formal Drawings  
☒ N/Incomplete Reply/Transmittal - 2 pages  
☒ Complete copy of Response filed 1/18/06

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